



THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Inventor : Todd W. Sharratt

Appln. No.: 10/728,202

Filed : December 4, 2003

For : METHOD FOR HUMERUS RETRACTION

Docket No.: M81.12-0073

Group Art Unit: 3732

Examiner:

O'Connor, Cary E.

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION (37 CFR § 1.321(c))**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I HEREBY CERTIFY THAT THIS PAPER  
IS BEING SENT BY U.S. MAIL, FIRST  
CLASS, TO THE COMMISSIONER FOR  
PATENTS, P.O. BOX 1450, ALEXANDRIA,  
VA 22313-1450, THIS

25TH DAY OF January,  
2007  
*Peter J. Ims*  
PATENT ATTORNEY

Sir:

**Interest of Person Making This Disclaimer**

I, Peter J. Ims, represent that I am

- ☐ an inventor of this invention.
- ☐ an assignee of this invention.
- ☐ a representative authorized to sign on behalf of the assignee of this invention.
- ☒ an attorney of record for this application.

**Identity of Assignee and Title of Disclaimant (If Applicable)**

The assignee is Minnesota Scientific, Inc., 4849 White Bear Parkway, St. Paul, MN 55110-3325. The title of the Disclaimant is attorney of record, and the Disclaimant is authorized to sign on behalf of Assignee.

### **Extent of Interest**

The extent of my interest is in

- ☒ the whole of this invention.
- ☐ a sectional interest in this invention as follows: .

### **Disclaimer**

I hereby disclaim, except as provided below, the term of any patent granted on the above-identified application subsequent to

- ☒ the full term of United States Patent Nos. 6,315,718 and 6,368,271 as presently shortened by any terminal disclaimer,

or

- ☐ the term of any patent granted on second application number ----- as shortened by any terminal disclaimer filed prior to the grant of the second application,

and hereby agree that any patent so granted on the above-identified application shall be enforceable only for and during such period that said patent is commonly owned with

- ☒ United States Patent Nos. 6,315,718 and 6,368,271.
- ☐ any patent granted on second application number -----.


This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

I do not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of

- ☒ United States Patent Nos. 6,315,718 and 6,368,271, as presently shortened by any terminal disclaimer, in the event that United States Patent Nos. 6,315,718 and 6,368,271 later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all claims canceled by a reexamination certificate,

is reissued, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer.

- ☐ any patent granted on second application number ----- as shortened by any terminal disclaimer filed prior to the grant of the second application, in the event that the second application later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to expiration of its statutory term as shortened by any terminal disclaimer filed prior to the grant of the second application.

By:   
Peter J. Ims  
Attorney of Record

Date: January 25, 2007

**Fee Status**

(37 CFR § 1.20(d))

- ☐ other than a small entity \$130.00  
☒ small entity status of this application under 37 CFR §§ 1.9 and 1.27 is established by a verified statement \$65.00

**Fee Payment**

- ☒ Attached is PTO Form-2038 (Credit Card Payment Form) in the sum

of \$65.00

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123. A duplicate copy of this communication is enclosed.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: 

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